

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF ADMINISTRATION

In re the Petition for Municipal Boundary
Adjustments:

St. Paul Park/Grey Cloud Island
Township (A-6185);

ORDER

Cottage Grove/Grey Cloud Island
Township (A-6186).

St. Paul Park/Grey Cloud Island
Township (OA-718/718-1)

Appearances: Laurie Miller, Frederikson & Byron, P.A., 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402-1425, and R. Gordon Nesvig, Attorney at Law, Box 255, 7501 80th Street, Cottage Grove, MN 55016-0255, on behalf of R. Gordon Nesvig, the petitioner; Patrick J. Kelly and Sarah Sonsalla, Kelly & Fawcett, 444 Cedar Street, Suite 2350, St. Paul, MN 55101, on a limited basis on behalf of Grey Cloud Island Township. James F. Shiely, Jr., Gearin & Shiely, P.A., 325 Cedar Avenue, Suite 500, St. Paul, MN 55101-1017 on behalf of the City of Saint Paul Park; Corrine Thomson, Kennedy & Graven, 200 South Sixth Street, Suite 470, Minneapolis, MN 55402, on behalf of the City of Cottage Grove.

An Order for Annexation was issued on December 29, 2000, and an amended Order was issued on January 11, 2001. Mr. Nesvig appealed those orders to the Washington County District Court. On February 8, 2002, an Order was filed in the Washington County District Court remanding the matter to the Office of Administrative Hearings for further proceedings. The initial orders were not stayed pending the review in District Court, nor were they vacated or suspended by the District Court's Order.^[1]

On June 19, 2002, the Administrative Law Judge issued an Order setting the schedule for filing supplemental testimony and for hearing. Thereafter, the parties entered into a series of stipulations for continuance to pursue settlement. The last such stipulation expired on August 31, 2004.

On October 1, 2004, Mr. Nesvig filed a Withdrawal of Request for Further Review of the Order for Annexation Dated December 29, 2000, and the Amended Order for Annexation Dated January 11, 2001. Following discussion among the parties at a conference on November 9, 2004, a Prehearing Order was issued on November 12, 2004, directing the parties to notify the undersigned by December 15, 2004 if any one of

them objected to the termination of this proceeding. If not, their acquiescence would be treated as a stipulation by the parties that the Order of December 29, 2000, as amended January 11, 2001, constitutes the final decision in this proceeding.

Mr. Nesvig filed a Clarification to the Withdrawal on November 10, 2004, withdrawing all objections to the terms of the initial order, as amended, and waiving any additional right he may have to contest it.

At a meeting of the Town Board of Grey Cloud Island Township on December 13, 2004, the Town Board voted not to challenge Mr. Nesvig's request for Withdrawal, or the termination of this proceeding.^[2] No other party has filed any objection to termination of this proceeding. In previous correspondence the City of Cottage Grove and the City of Saint Paul Park have stated their assent to termination of this proceeding.^[3]

IT IS HEREBY ORDERED:

1. The Order of December 29, 2000, as amended January 11, 2001, is the final decision in this proceeding.
2. The file shall be closed and returned to the Office of Boundary Adjustments at the Department of Administration.

Dated this 17th day of December 2004.

S/ Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge

NOTICE

This is the final administrative decision in this case. Any person aggrieved by this Order may appeal to the Washington County District Court pursuant to Minn. Stat. § 414.07.

^[1] Minn. Stat. § 414.07, subd 2 (b) and (c).

^[2] Letter dated December 14, 2004, signed by Richard Adams, Chairman, Town Board, and Richard Mullen, Clerk.

^[3] Letter from James F. Shiely, Jr., dated November 2, 2004; letter from Corrine H. Thompson, dated November 4, 2004.